

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------|---|---------------------|
| JOHN B. HOWARD, | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | |
| v. | : | NO. 04-5286 |
| | : | |
| COMMISSIONER of SOCIAL | : | |
| SECURITY, | : | |
| Defendant | : | |

O R D E R

STENGEL, J.

AND NOW, this day of, 2005, with no objections having been filed it is hereby ORDERED that Magistrate Judge Rueter's November 17, 2005, Report and Recommendation (Docket # 14) is APPROVED and ADOPTED. Plaintiff's motion for summary judgment is GRANTED. Defendant's motion for summary judgment is DENIED. The case is REMANDED in accordance with the fourth sentence of 42 U.S.C. § 405 (g) to the Commissioner of the Social Security Administration for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Thomas J. Reuter. Judgment is entered in favor of plaintiff and against defendant.

BY THE COURT:

LAWRENCE F. STENGEL, J.